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E\*Trade Savings Bank and E\*Trade Mortgage Corporation*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

E\*TRADE SAVINGS BANK and E\*TRADE  
MORTGAGE CORPORATION

Plaintiffs,

v.

NATIONAL SETTLEMENT AGENCY, INC.;  
FAST TRACK TITLE AGENCY LLC,  
STEVEN M. LEFF; RACHEL M. LEFF;  
and RICHARD A. LEFF

**Defendants.**

ECF Case

07 Civ. 8065 (LTS/GWG)

**NOTICE OF MOTION FOR  
JUDGMENT BY DEFAULT**

PLEASE TAKE NOTICE that upon the Declaration of Wallace B. Neel, dated May 12, 2008, and all exhibits annexed thereto, and all of the papers, pleadings, and proceedings had herein, plaintiffs E\*TRADE Savings Bank and E\*TRADE Mortgage Corporation (together, "E\*TRADE") will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order granting default judgment in favor of plaintiffs E\*TRADE Savings Bank and E\*TRADE Mortgage Corporation (together, "E\*TRADE"), jointly and severally, pursuant to Federal Rules of Civil Procedure 54(b) and 55(b)(2) and Local Civil Rule 55.2(b) as follows:

1. On the First Claim for Relief (Breach of Contract) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

2. On the Second Claim for Relief (Conversion) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

3. On the Third Claim for Relief (Breach of Fiduciary Duty) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

4. On the Fourth Claim for Relief (Fraud) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

5. On the Fifth Claim for Relief (Negligence) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

6. On the Sixth Claim for Relief (Unjust Enrichment) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65;

7. On the Seventh Claim for Relief (Money Had and Received) in the operative complaint filed in this matter, judgment in favor of E\*TRADE and against defendants National Settlement Agency, Inc. and Steven M. Leff, jointly and severally, in the amount of \$3,007,914,65; and

8. Providing any further relief that this Court deems just and proper, together with disbursements and attorneys' fees incurred in this action, and it is further

The Court has already indicated that, unless otherwise requested, this Motion will be taken on submission.

Dated: New York, New York  
May 12, 2008

REED SMITH LLP

By: 

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- and -

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